



NOTICE OF VIOLATION
NOV # **NOVUST-GB18-0018** - Site # **152-3068**

**TOWN OF WATERFORD
15 ROPE FERRY RD
WATERFORD, CT 06385-2806**

The purpose of this Notice is to inform you that personnel of the Department of Energy and Environmental Protection ("DEEP") have made observations or otherwise obtained information indicating that a violation of law has occurred at the property located at DANIELS AVE., Waterford, CT 06385. On 2/14/2018, the DEEP, Bureau of Materials Management and Compliance Assurance, Storage Tank and PCB Enforcement Unit conducted an inspection. Based upon that inspection, it appears that you have failed to comply with Sections 22a-449(d) 101-113 of the Regulations of Connecticut State Agencies. Specifically:

Regulation: CT state regulation (d)-1(e)(1)(E)

Violation Reason: Cathodic protection systems require annual testing to ensure that a structure to soil test voltage reading of at least minus 0.85 volts is maintained.

Required Action: The UST system owner or operator must have the requisite CP test performed on the tank and/or piping.

Applies To: TANK SW1R1 (Containing Heating Oil(on-site consumption) with Capacity of 10000 gallons)

Applies To: TANK SW2R1 (Containing Heating Oil(on-site consumption) with Capacity of 2000 gallons)

When you have corrected the violation(s) alleged in this Notice, you should submit in writing the details of the corrective action(s). The submittal should be made within thirty (30) days on the enclosed Compliance Statement, and *sent to the UST NOV Compliance Office*. Until the DEEP has received such a statement, the DEEP will presume you remain in violation. If the violation(s) cannot be corrected within thirty (30) days, provide a schedule of compliance (that includes a timetable) on the enclosed Compliance Statement within thirty (30) days describing the actions you will take to correct the violation(s). Your actions in response to this Notice, including submission of the attached Compliance Statement, may affect the DEEP's decision whether or not to take formal enforcement action.

The Compliance Statement should include, but not necessarily be limited to (1) initial analytical results for samples taken from the site; (2) analytical results for samples showing that contamination at the site has been corrected; (3) analytical results evaluating the migration or lack thereof of contamination at the site, (4) documentation confirming that the alleged violations have been remedied, and (5) measures taken to prevent future such violations at this site or other sites or (6) a schedule for providing (1) through (5).

A. Other violations may exist; legal obligations. This Notice does not necessarily specify all violations of Connecticut environmental law or violations of any other legal requirements, which may exist at the aforementioned property. This Notice does not preclude the DEEP or other state, local or federal agencies from commencing any enforcement action regarding any such violations. Your facility may be inspected again pursuant to law and without additional prior notice to determine compliance with state and any applicable federal law. It is your responsibility to comply with all legal requirements, whether or not the DEEP notifies you of any violations or takes any enforcement action against you. Nothing in this Notice relieves you of other obligations under applicable federal, state and local law.

B. Enforcement action. Civil penalties of up to \$25,000 may be assessed for each day of each violation under Sections 22a-131 and 22a-438 of the Connecticut General Statutes. Notwithstanding the issuance of this Notice, the DEEP may seek such penalties and may issue an order, seek an injunction, or take other legal action under Chapters 439, 445 and 446 of the Connecticut General Statutes.

C. No assurance by Commissioner. No provision of this Notice and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that actions you may take to address the violation alleged herein will result in compliance.

D. DEEP contact. Should you have any questions regarding the above, please contact the UST NOV Compliance Office via telephone at (860) 424-3886, via FAX at (860) 424-4061, or via email at deep.ustnov@ct.gov.

For DEEP:



Signature of staff issuing NOV

2/14/2018

Date

For Respondent:



Signature

TOWN OF WATERFORD

Name (Please Print)

Facility Owner

Title

2/14/2018

Date

COMPLIANCE STATEMENT

This Compliance Statement shall be signed by: (I) You (*if an individual-the individual signs*); (*if a corporation or partnership-by a responsible corporate officer/general partner or a duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies*); or (*if a municipality-chief elected official or principal executive officer*) **and** (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Within fifteen days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the UST NOV Compliance Office as indicated in the Notice of Violations.

Notice of Violation No. **NOVUST-GB18-0018**
Facility Name: **SOUTHWEST SCHOOL**
(Site)Address: **DANIELS AVE.**
Waterford, CT 06385

In accordance with the directions in the above-referenced Notice of Violation, I certify that the noted violations have been corrected in the following manner:

Attach additional sheet(s) as needed
(Enclose supporting documentation demonstrating compliance)

Certification of Accuracy

I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as a criminal offense under Connecticut General Statutes Section 22a-6 and 53a-157.

Date

Signature

Telephone

Name and Title

Address

Date

Preparers Signature, if different than the above

Telephone

Name and Title

Address

Printed February 14, 2018

ADVICE TO RECIPIENTS OF NOTICES OF VIOLATION*

Read the Notice of Violation: It tells you:

- ! what activity you have conducted or what condition on your property is causing or may result in damage to the environment;
- ! the environmental laws you are not complying with;
- ! in some cases, what action you need to take to address the environmental problem;
- ! how quickly DEEP expects you to take action; and
- ! who to contact if you have a question or problem.

Do Not Cause Additional Problems: Make sure that you do not engage in activity that might result in further environmental harm.

Follow the Deadlines: If you can't meet the deadlines provided in the Notice of Violation, call the contact person. Explain why you can't meet the deadline. Staff will explore with you the feasibility of alternate deadlines.

Cooperate with DEEP: Generally, DEEP's first attempt to resolve the types of violations alleged in this case is through the issuance of a Notice of Violation. If you disregard this notice, it will be assumed you do not wish to cooperate and you should expect that DEEP will take more formal enforcement action. This can include issuing an administrative order, and/or filing suit to obtain an injunction and penalties as provided by law. The most important thing to remember is to call DEEP if you have any questions.

Call if you don't Understand: DEEP staff name and telephone number are given at the end of the Notice of Violation. Staff are there to try to answer your questions and work with you to resolve the environmental compliance issue. In some cases you may need to obtain the services of a professional consultant to plan and implement effective corrective measures. DEEP staff can discuss with you the kind of professional help you may need to address the alleged violation cited in the notice.

* The Notice of Violation does not necessarily specify all environmental violations which may exist at your property regulated by the Department. Nothing in the Notice relieves you of other obligations under applicable federal, state and local law.